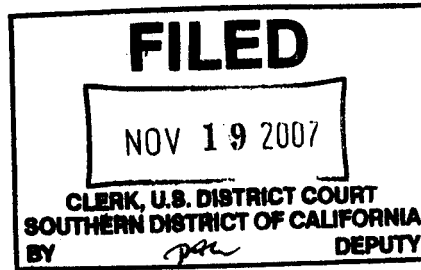


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8938

UNITED STATES OF AMERICA,
Plaintiff,

v.

Marcos RODRIGUEZ-Perales,
Defendants

) Mag. Case No.
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324
) (a)(1)(A)(ii) -Illegal Transportation of
) Alien(s)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about November 17, 2007, within the Southern District of California, defendant Marcos RODRIGUEZ-Perales, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Ana Griselda ACOSTA-Carrillo, Alicia RIVAS-Ramirez and Jose Santos ANDRADE-Alarcon, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 19th DAY OF
NOVEMBER 2007.


Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Marcos RODRIGUEZ-Perales

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending U.S. Border Patrol Agent (BPA) S. Barrera that on November 17,
7 2007, the defendant, was apprehended near Indio, California, along with (3) three other
8 undocumented aliens from Mexico, in violation of law.

9 Agent Barrera encountered a vehicle traveling on a country road that parallels the
10 Coachella Canal, near Indio, California. Agent Barrera followed the vehicle. Agent Barrera got
11 near the vehicle and noticed that the driver began to speed up and pulled away. Agent Barrera
12 initiated a vehicle stop near Spa Road and Highway 111. The vehicle stalled in the middle of the
13 road. The driver's door was cracked open. The driver's door was then shut and the vehicle
14 slowly began to roll forward. Agent Barrera instructed the driver who was later identified as
15 Marcos RODRIGUEZ-Perales to stop the vehicle. RODRIGUEZ was attempting to restart the
16 vehicle.

17 Agent Barrera approached the vehicle and noticed two passengers in the rear attempting
18 to conceal themselves underneath a blanket and another passenger sitting on the front passengers
19 seat. Agent Barrera identified himself as a United States Border Patrol Agent and determined
20 that RODRIGUEZ along with the three passengers did not have any immigration documents to
21 reside or work in the United States. RODRIGUEZ and the others were arrested and transported
22 to the Indio Checkpoint for further processing.

23 RODRIGUEZ was advised of his Miranda Rights by BPA Brewer and witnessed by BPA
24 Castaneda. RODRIGUEZ stated he understood his rights and was willing to speak with BPA
25 Brewer without an attorney present. During the interview, RODRIGUEZ claims that he offered
26 to fix a car in exchange for being smuggled into the United States. RODRIGUEZ stated that he
27 was smuggled into the United States by crossing a large canal on a raft. RODRIGUEZ was
28
29

questioned regarding his previous arrests. RODRIGUEZ stated that he had been arrested about thirty times.

Material Witnesses Alicia RIVAS-Ramirez, and Jose Santos ANDRADE-Alarcon, stated they are citizens of El Salvador illegally in the United States. Ana Griselda ACOSTA-Carrillo, stated that she is a citizen of Mexico illegally in the United States. RIVAS stated that she made arrangements in El Salvador to be smuggled illegally into the United States for a fee of \$5,000 or \$6,000. ANDRADE stated that his brother who lives in Los Angeles, California made arrangements for him to be smuggled into the United States. ACOSTA stated that she made arrangements in Mexicali, Baja California to be smuggled into the United States for a fee of \$1,500.

RIVAS, ACOSTA, and ANDRADE were shown a six-pack photo lineup. They all positively identified, RODRIGUEZ, as the driver of the vehicle they were passengers in.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Ana Griselda ACOSTA-Carrillo	Mexico
Alicia RIVAS-Ramirez	El Salvador
Jose Santos ANDRADE-Alarcon	El Salvador

Further, complainant states that Ana Griselda ACOSTA-Carrillo, Alicia RIVAS-Ramirez, and Jose Santos ANDRADE-Alarcon are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.